

MINUTES – APRIL 5, 2004

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, April 5, 2004. Members present: Mel O. Battle, Chairman, Larry G. Hamlett, Vice-Chairman, Nathaniel Hall, Jack W. Hooper, Cathy W. Lucas, Kenneth D. Travis, and George W. Ward, Jr. Also present: Jeffrey H. Earp, County Manager and Robert V. Shaver, Jr., County Attorney. Wanda P. Smith, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman Battle opened the meeting with a Moment of Silent Prayer.

APPROVAL OF AGENDA

Commissioner Travis moved, seconded by Commissioner Hamlett to approve the agenda as presented. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Lucas stated that she has questions about Items No. D and E, two of the School Capital Projects. Commissioner Lucas asked if use of an Ordinance is a new procedure that is being used by doing this as an Ordinance. Mr. Earp answered that this is not a new procedure and should be done by Ordinance. Mr. Earp answered that Item No. D is the safety project at Bartlett Yancey High School and the other Project Ordinances are for current projects. Commissioner Lucas questioned the local match of \$40,000 in Item No. D and the local match in Item No. E and asked if they were a three to one match. Mr. Earp answered that it was normally a 75/25% match. Commissioner Lucas asked if \$100,000 is the correct match amount for Item No. E. Mr. Earp stated that the Ordinance was prepared in accordance with the approval and these are the figures that were provided by the Board of Education. Mr. Earp added that he did not know why the amount for Item No. E was so high and that the project would be coming in at under \$150,000. Commissioner Lucas asked if this amount would have anything to do with the balance on the disbursing account. Mr. Earp stated that he could check on this. Commissioner Lucas stated that she would like to remove this Project Ordinance from the Consent Agenda and have the County Manager review the local match. Commissioner Lucas added that the local match should be \$62,500 instead of \$100,000 and it is figured at 40% instead of 25%.

Chairman Battle stated that the names on the EMS Billing Report should not appear on the report and this needs to be corrected.

After further discussion, Commissioner Lucas moved, seconded by Commissioner Hooper to approve the Consent Agenda as presented with the exception of Item No. E, School Capital Projects Ordinance. The motion carried unanimously.

The following items were included on the Consent Agenda:

1) Approval of Minutes of February 9 and 23, 2004 Meetings

2) Budget Amendment No. 31 – Health Department

3) Budget Amendment No. 32

4) School Capital Projects Ordinance

5) School Capital Projects Ordinance

6) Monthly Tax Report for February, 2004

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|---------------------------------|--------------|
| Total Amount of Taxes Collected | \$511,007.04 |
| Tax Maps | \$ 198.75 |
| 2004 Prepayments | \$ 977.11 |
| NSF Charge | \$ 232.81 |
| County Maps | \$ 39.50 |
| Beer License | \$ 5.00 |
| Wine License | \$ 25.00 |

7) Monthly EMS Billing Report for February, 2004

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|----------------------------------|--------------|
| Total Billed | \$ 30,866.00 |
| Total Collected | \$ 14,329.09 |
| Total Claims Filed with Medicare | 86 |
| Total Claims Filed with Medicaid | 45 |
| Total Adjusted Private Pay | \$ 366.45 |
| Total Adjusted Medicare/Medicaid | \$ 7,372.43 |

PUBLIC COMMENTS

Chairman Battle opened the floor for public comments. There were no public comments made.

PUBLIC HEARING – BUILDING CODE REVISIONS

Chairman Battle moved, seconded by Commissioner Travis that the Board enter into a public hearing to receive comments on proposed Building Code Revisions. The motion carried unanimously.

Mr. Jeff Earp, County Manager, reported that last August the Board of Commissioners appointed a Subcommittee to review the County's Building Code Ordinance for possible revision. Mr. Earp stated that last September at the Subcommittee's direction he sent out approximately 27 letters to licensed contractors in the County asking for their participation on this Committee. Mr. Earp added that he received nine responses

indicating their interest in serving on this Committee. Mr. Earp reported that the first meeting was held on September 30th and meetings were held in October and November with the final meeting being held on February 29, 2004. Mr. Earp stated that during that time they reviewed the Ordinance section by section, took into account the contractor's needs and wants, and took into consideration what they liked and disliked about the Ordinance and operations of Building Inspections. Mr. Earp added that they worked together and prepared a draft which was reviewed on February 29th by the Subcommittee along with a revised fee schedule. Mr. Earp stated that the Subcommittee requested that he bring their recommendation to the full Board of Commissioners, so he advertised for tonight's public hearing.

Mr. Ed Carter, 133 Shady Grove Road, Providence, came before the Board and stated that he has reviewed the latest recommended Ordinance and would like to make the Board aware of some things he has experienced as a person building houses. Mr. Carter added that currently there is approximately 10,000 square feet of residential space that is being built at Shady Side Subdivision that he has been involved in and there will be another 3,500 square feet added to that in the next few weeks. Mr. Carter stated that the spirit of the Building Inspector's operation seems to him to be in conflict with the user's needs. Mr. Carter added that the Board has decided to publish three different intervals of time for different kinds of inspections ranging from 24 to 72 hours. Mr. Carter noted that this says that within 24, 48, or 72 hours these inspections will be held. Mr. Carter stated that he did not understand why any inspection shouldn't be done within a 24-hour period after the request and why they had to wait, and he certainly did not understand how the Board could raise the cost of building inspections from \$290 for a 3,000 sq. ft. house to over \$700 and justify those kinds of increases when the time intervals get worse. Mr. Carter stated that in trying to work with the Building Inspector, he takes his plans to her well in advance of any request and asks her to look at it to give her time to give him instructions on what she thinks needs to be done in addition to what is on the plan by a designer from North Carolina. Mr. Carter added that in two incidences she has done this in the past three months and he has had to wait nine to ten days for any response, and in one incident he received a telephone call on the tenth day from the Secretary and was told, "Your plans are refused and are turned down". Mr. Carter stated that after he got his plans back he gave them to a licensed engineer in Martinsville, Virginia that has a North Carolina license and received a bill for 28 hours of work to engineer a single-family dwelling and received a bill in the amount of \$2,130. Mr. Carter added that what he went through amounted to an additional 21 days built in to the preparation time for a new house, of which at least 12 of those days were used by the Building Inspector. Mr. Carter noted that time is clearly money. Mr. Carter reported that when an inspection is asked for on the same day, even if an Inspector is in the office doing nothing, they are not allowed to come. Mr. Carter added that if an Inspector is in the office, but they have finished their quota for the day, they are not allowed to come. Mr. Carter noted that no where in the Ordinance does it ever suggest that the 24, 48, and 72 hour time intervals are the maximums, it states that they will make every effort to do those inspections within that time frame. Mr. Carter stated that he would like to know how the County Manager can manage a Building Inspections Office if he does not have the metrics from the industry. Mr. Carter added that by metrics he means how many inspections do you do in a day and

how long does it take to do an inspection. Mr. Carter noted that in a recent survey of eleven different builders, he was told that the average inspection takes 20 minutes per inspection. Mr. Carter added that from his own experience in Caswell County, watching the Inspectors, 20 minutes looks like a good number.

Mr. Carter stated that he thought that it is time that the County found out what the work load is in the Building Inspector's Office, how long it takes them to do the work, and exactly how many inspections they are doing in a day against the metrics of neighborhoods where growth is occurring. Mr. Carter added that you cannot manage people unless you have clear objectives that can be managed every month. Mr. Carter pointed out that in the County's own proposed document, it never indicates what needs to be in the reports to show the number of inspections per day against the quota and if a quota is not established, people will not work to a quota. Mr. Carter stated that he thought there is a growing bureaucracy in the County about the whole subject of building permits. Mr. Carter added that he did not think it is the spirit of Donnie Powell who does septic inspections to work at his interest and he always shows the greatest amount of good faith in the person for whom he is inspecting. Mr. Carter stated that he has dealt with Mr. Powell on seven septic tanks and he comes with the spirit of being timely, cooperative, and helpful. Mr. Carter added that Mr. Powell understands that they are the end user, they are the customer. Mr. Carter stated that, on the other hand, the way they are treated by the Building Inspector is that they work for her and it is their job to please her on everything. Mr. Carter added that it always comes off that they are attempting to get away with something that is illegal and assured the Board that he does not do illegal things and does not ever intend to break the law. Mr. Carter stated that he does not want to be treated like this and most of all he does not want to be treated like he is at her mercy regardless of how insensitive, untimely, and unresponsive she is. Mr. Carter added that this is unfair to the customer, builder, and subcontractors. Mr. Carter stated that the County has an Ordinance that is far from complete and doubted that it has ever been measured against what goes on in other cities. Mr. Carter added that whatever productivity is in Raleigh should be better in Caswell County because there is not as much traffic, there is not as many people, and it does not take as long to go ten miles. Mr. Carter stated that the County should know the metrics in other places and understand how the Building Inspector's Office is being run before Ordinances are put out that allow them to set all the rules. Mr. Carter added that he did not think the Board intended for someone to interpret a 24, 48, or 72 hour interval as the time available, but felt the Board wanted them to interpret this as within that time it has to be completed. Mr. Carter stated that he also did not feel that the Board wanted its Inspectors coming back to the office in the afternoon answering the phone from contractors admitting that they are not out there because they are finished for the day. Mr. Carter added that if the Board is going to continue to make this so difficult and so expensive to do, he is not going to stop, he will continue to build, but he will do everything in his power to inform people in the public, including the Board, as to how these guidelines are outmoded, incorrect, inefficient, and wrong to the end user because this is not right. Mr. Carter stated that he thought the Board should put off any vote whatsoever on this issue and allow them to work with the Building Inspector and County Manager to set the standards that make sense, otherwise they will continue to have this friction all the time.

Mr. Mike Willis, 513 Waterside Drive, West Yanceyville, came before the Board and stated that over the past few months he has met with most of the Commissioners on an individual basis informing them of issues he has with the Building Inspector's Office. Mr. Willis added that he was invited to join the Sub-committee on the rewriting of the Building Code Ordinance and does not have a problem with the draft as it is now written. Mr. Willis stated that he felt the Board should delete the part about doing footings within 24 hours, plumbing within 48 hours, and everything else within 72 hours as a priority. Mr. Willis added that he felt the County should stick with the North Carolina State Building Code which states "as soon as practical", but felt that "as soon as practical" should be within 24 hours. Mr. Willis stated that if the Building Inspector's Office cannot offer good service to the people of Caswell County, this is going to be a never-ending process for the Commissioners as far as complaints. Mr. Willis added that if contractors cannot get inspections done within 24 hours and cannot get their plans reviewed in three or four days, then the Board will continue to have more and more problems. Mr. Willis stated that he feels it is one of two problems, either the Building Inspector is incompetent or it is impossible for her to perform the tasks that need to be performed because she is understaffed, or a combination of both. Mr. Willis informed the Board that for the \$25,000 renovation job he proposed for Joe's Charcoal Burger, it took him over three months to get a permit and he spent over \$1,000 for architect fees, the plans were rejected, and he finally gave up and decided to renovate the building as it sat. Mr. Willis stated that to him there is a communication gap and problem between the Building Inspector's Office and the people she is working for, which is the public. Mr. Willis informed the Board that he went into the Building Inspector's Office one month before he bought the Joe's Charcoal Building and asked what he needed to get a permit for renovation. Mr. Willis stated that he was given the application and Health Department document and informed them that he wanted someone to meet him out there so that he could tell them exactly what he wanted to do and he would know everything that he needed to do. Mr. Willis added that the Assistant Building Inspector met him at the building site and he told him exactly what he planned to do, and he said no problem, he talked to the Building Inspector about a couple of things, got back with him, everything was fine, and he thought everything was on schedule. Mr. Willis stated that he had all his subcontractors lined up, and on the day of the closing of the sale, he went to the Building Inspector's Office to obtain the permit and was told that he did not have enough information. Mr. Willis added that the Building Inspector faxed him that day and the next day approximately 16 pages of information that he was told he needed to turn in to their office. Mr. Willis stated that he had to hire an Architect to assist him to complete the documents. Mr. Willis added that it has been very frustrating for him and for several other people. Mr. Willis stated that he was not aware of any County Ordinance that says that an inspection will be done within a certain period of time, most state that it will be done as soon as practical. Mr. Willis added that the only recourse the contractors and homeowners currently have is that if the Building Inspector does not do an inspection within a certain period of time, they can proceed with their work within 24 hours. Mr. Willis noted that the proposed Ordinance takes this away from them. Mr. Willis stated that he does not have a problem with this because if contractors cannot get an inspection within 24 hours, the Board will continue to hear from people and something will be done

sooner or later. Mr. Willis added that the Board will either have to hire some more help or find someone else to run the Building Inspections Office.

Mr. John Everett, 104 North Ridge Drive, Danville, Virginia, came before the Board and stated that he is a licensed general contractor, is partners with his brother Keith Everett and was appearing on behalf of Carolina-Virginia Builders and Realty. Mr. Everett added that they have been building in Caswell County and surrounding counties for the past 14 years and have worked with Inspectors over this period of time. Mr. Everett added that they have been working with Caswell County's current Building Inspection's Department for the past four months and have found the current department to be the most difficult, by far, of all the departments they have worked with, which includes Caswell, Rockingham, Person, Pittsylvania, City of Danville, and Henry County, Virginia. Mr. Everett stated that they have never incurred the problems or the level of difficulty in obtaining approval of permits, plans, and inspections as they are having with the current administration. Mr. Everett pointed out that approval of plans takes less than 24 hours in all the counties he has worked in and Caswell County is currently taking at least seven days and has taken as much as three or four weeks. Mr. Everett noted that he had one house that he set up in December and it took four weeks for approval to get through all of the process. Mr. Everett requested that this plan review process be limited to 48 hours. Mr. Everett noted that all other counties review the plans on site or get back with them the next day. Mr. Everett stated that Caswell County is requiring a North Carolina engineering seal on most all of their designs. Mr. Everett noted that these plans are purchased and even though they may not have a seal, they are well drawn plans. Mr. Everett added that no other county he has worked with has required a North Carolina seal and this is time consuming, very expensive, with costs that can exceed \$2,000 for a single family home. Mr. Everett noted that this does not include their time that is lost in the process. Mr. Everett asked that this be requirement be eliminated except when necessary by Statutes. Mr. Everett stated that Caswell County is requiring the general contractor to purchase all of the subcontractor's permits and requiring the subcontractor's signature on the application. Mr. Everett noted that it can take as much as 24 hours to locate and obtain the subcontractor's signatures and no other county he has worked with requires this process. Mr. Everett requested that the Board eliminate this process. Mr. Everett stated that Caswell County requires that a set of plans be kept in the Building Inspector's Office for permanent record. Mr. Everett noted that no county he has worked in requires these plans and these plans can cost as much as \$1,000 to purchase and as much as \$50 to make a copy. Mr. Everett added that most counties just require a set of plans on site. Mr. Everett requested that this requirement be eliminated. Mr. Everett stated that footing inspections within 24 hours is ample time, as well as plumbing inspections within 24 hours, and all other inspections within 48 hours. Mr. Everett noted that it is hard for contractors to schedule inspections two days in advance exactly when that inspection is going to be needed and 72 hours is too big of a time period for that inspection. Mr. Everett added that all other counties he works with takes this on a first come-first serve basis. Mr. Everett asked that appointments be given within a four-hour block, AM or PM. Mr. Everett noted that currently appointments will not be given and it takes three or four calls to get an appointment scheduled and AM or PM will not be given. Mr. Everett added that other counties work in one region in the morning and another region in the

afternoon. Mr. Everett stated that contractors have to have appointments and cannot stand around waiting on an Inspector not knowing what time they will be there and it costs them a lot of money. Mr. Everett added that a great deal of their time is wasted. Mr. Everett stated that the current Building Inspection's Department has a "No Same Day Inspection" Policy that should be eliminated and inspections should be made on a first come-first serve policy even if requested the same day. Mr. Everett added that the current department has denied a same day inspection because of policy even though they admitted to having enough time to schedule that inspection. Mr. Everett asked that the Board review these policies and take the necessary steps to correct these issues. Mr. Everett stated that the building and remodeling business is very competitive and they must be efficient with their time in order to succeed. Mr. Everett added that there is no profit margin to allow them to stand out on a job four or five hours waiting for inspections. Mr. Everett stated that the County must have a Building Inspections Department that is prompt and accommodating for this county to grow and nurture their building industry. Mr. Everett added that contractors need people to work with them and they want to build houses in this county, but right now the attitude among all the contractors that he has talked to is that they do not want to work here, it is just too difficult and is not profitable enough. Mr. Everett stated that they are not able to make money when they have to stand around on jobs and cannot get inspections scheduled properly. Mr. Everett added that this is impacting their business a great deal.

Mr. Gordon Bendall representing The Caswell Messenger, stated that in the past he reported on problems contractors were having and then he did a more involved story with Mr. Mike Willis, a contractor. Mr. Bendall added that he received some criticism from a Commissioner that this was not doing justice to the Building Inspections Department. Mr. Bendall stated that he understood this and that bad news about the Building Inspections Department lets the public know that they may have a problem if they go to the Building Inspector. Mr. Bendall added that it seems that there are people who are doing renovations, building a deck, etc. that are not going to the Building Inspector now. Mr. Bendall stated that it is his philosophy of community journalism to try to do no harm and these are stories that can do harm to the Building Inspections Department, Building Inspector, and County so he has not done any stories, yet people continue to come to him to do these stories. Mr. Bendall added that maybe he should not hold off on doing all of these stories that are coming to him because perhaps in not doing the stories, the harm is to the public and he is here to serve the public. Mr. Bendall stated that the County is losing inspection fees from the general public because they have a fear of the Building Inspector and the Building Inspections Department.

Chairman Battle asked if the contractors involved on the Committee participated in the final draft of the Building Code revisions and how many were involved. Mr. Earp answered that the contractors on the Committee were involved in the final draft of the revisions and there were nine to twelve contractors participating at each meeting. Chairman Battle asked if other contractors were invited to participate. Mr. Earp answered that invitations were sent out to 27 contractors to participate on the Committee. Chairman Battle asked what "as soon as practical" means. Ms. Sara Lawter, Building Inspector, answered that her department takes their inspections on the basis of first come-

first serve basis as the workload permits. Chairman Battle questioned Section 2-5. C. as to inspections done within 24, 48, and 72 hours. Chairman Battle asked what would happen if four footing inspections were called in on one day. Ms. Lawter answered that all four footing inspections would be done the next day on a first come-first serve basis since footings are a priority and other inspections would be done that day as time and workload permits. Chairman Battle questioned Section 2-8 and asked how a permit could be mistakenly issued in violation of an applicable State or local law, Ordinance, or regulation. Ms. Lawter answered that an example would be if a permit was issued and the well and septic system had not been perked and the building permit was inadvertently issued without the Environmental Health approval.

Commissioner Lucas stated that she did recognize the condemnation of unsafe buildings and how it applies to the County versus the Town of Yanceyville. Commissioner Lucas added that she noticed in reviewing the proposed fees that there is not a separate fee for the condemnation process and feels that this is something that needs to be addressed. Commissioner Lucas noted that this would be a time consuming process and fees need to be assessed to that accordingly. Commissioner Lucas added that this was not addressed at all in the fee schedule.

Commissioner Hall questioned Section 2-6. C as it relates to footings getting priority. Commissioner Hall asked if contractors are allowed to make appointments for footings. Ms. Lawter answered that if a contractor calls in the morning, they will be able to tell them whether they will make the inspection in the AM or PM that same day. Commissioner Hall noted that if footings receive priority and a number of requests are received for footings in any particular day, then the Inspectors would be unable to do any other inspections.

Chairman Battle asked if it is a good practice to verbally let someone know via telephone that something is not acceptable. Chairman Battle stated that it is his belief that written communication including a date spelling out exactly why something is unacceptable is better. Chairman Battle asked Ms. Lawter if her department has considered written communication rather than verbal. Ms. Lawter answered that anything turned down is recorded on a Building Review Sheet and returned to the contractor with the plans explaining why something was turned down. Commissioner Lucas asked if it explained on that form what is wrong. Ms. Lawter answered that the deficiencies are detailed on the form.

Chairman Battle asked Ms. Lawter, in terms of practicality, if her time frame for turnaround, whether it be for plans or scheduling of appointments, is fair and workable. Chairman Battle stated that comments have been made tonight regarding seven, nine, and twelve days wait for an inspection and asked Ms. Lawter if this is true, and if so, why. Ms. Lawter answered that in some cases this is true and it is because of workload and sometimes is attributed to one of the two Inspectors being out of the office. Ms. Lawter stated that she could not provide a service for which she does not have the adequate staff to meet the workload.

Commissioner Hall asked Ms. Lawter if the “No Same Day Inspection” policy is, in fact, her policy. Ms. Lawter answered that as a general rule they cannot do same day inspections because they already have prior scheduled inspections for that day.

Mr. Mike Willis stated that at the last Committee meeting there were only two contractors present including himself, and he has heard from other contractors that they have concerns because they did not feel the Committee had been listened to in previous meetings.

A gentleman from the audience stated that he is in the process of finishing his home on Waterside Drive and would just like to say that he has been to the Building Inspections Department on four different occasions and they have been very helpful each time. The gentleman added that the Department has been very responsive, pleasant and helpful, and did everything in a reasonable time.

There being no further comments, Chairman Battle declared the public hearing closed.

Commissioner Hamlett moved, seconded by Commissioner Hooper that the proposed revisions to the Building Code Ordinance be tabled and referred to the Committee for further consideration and review and anyone present who would like to attend the meetings are invited to do so. The motion carried unanimously.

PUBLIC HEARING – ROAP

Chairman Battle moved, seconded by Commissioner Hamlett that the Board enter into a public hearing to receive comments on the Rural Operating Assistance Program and sub-allocation of its funds. The motion carried unanimously.

Ms. Melissa Williamson, CDOT Transportation Director, came before the Board and stated that it is the time of year for the Caswell County Division of Transportation to complete the ROAP Grant. Ms. Williamson noted that it is required that the Board of County Commissioners hold a public hearing to receive local input regarding the sub-allocation of these funds. Ms. Williamson reported that the Rural Operating Assistance Program (ROAP) includes the Elderly and Disabled Transportation Assistance Program (EDTAP), the Work First Transitional/Employment Transportation Assistance Program, and the Rural General Public (RGP) Program.

Ms. Williamson reported that the EDTAP, originally enacted by legislation in the 1989 Session of the North Carolina General Assembly, provides operating assistance funds for the transportation of the state’s elderly and disabled citizens. Ms. Williamson stated that this transportation assistance allows these individuals to reside for a longer period in their homes, thereby enhancing their quality of life. Ms. Williamson noted that for the purposes of EDTAP, an elderly person is defined as one who has reached the age of 60 or more years. Ms. Williamson added that a disabled person is defined as one who has a physical or mental impairment that substantially limits one or more major life activity, an

individual who has a record of such impairment, or an individual who is regarded as having such impairment.

Ms. Williamson reported that the Work First/Employment Program is intended to provide operating assistance for transitional Work First and general public employment transportation needs. Ms. Williamson stated that Work First/Employment funds should first be used to support the employment transportation needs of individuals that are not eligible to receive benefits from the Temporary Assistance for Needy Families (TANF) program.

Ms. Williamson reported that the RGP operating assistance funds are intended to provide transportation service to individuals who are not human service agency clients.

Ms. Williamson informed the Board that Caswell County will receive a total of \$70,242 in ROAP funds. Ms. Williamson stated that EDTAP will be allocated \$40,131 (majority of the funds go to Department of Social Services and the rest to Elderly & Nutrition), Work First will be allocated \$5,841 and Rural General Public(RGP) will be allocated \$24,270.

Commissioner Hall asked how much useage is the County getting through the RGP Program. Ms. Williamson answered that the County is utilizing all of the funds received and noted that this is the third year in receiving the funds and the amount has been depleted each year. Ms. Williamson noted that Vocational Trades lost all of its transportation funding and a lot of their clients have been contacting CDOT to continue their transportation and at this time they have used it more than anyone. Ms. Williamson added that CDOT is open to anyone in the County.

Chairman Battle asked how the rising gas prices would affect the CDOT Program. Ms. Williamson answered that with CDOT being profitable and the transfer of line items from other areas, she felt confident that her program could continue to operate and provide transportation services.

Commissioner Lucas asked in follow-up to discussion of RGP Funds which is available to the general public, if there were other groups other than Vocational Trades that utilizes the services. Ms. Williamson answered that they have occasional calls from the Health Department or Department of Social Services. Commissioner Lucas asked if there is a fee assessed to the RGP Funds. Ms. Williamson answered that a \$2 fee is charged to bring someone in and \$2 to take them home, regardless of where someone lives in the County. Ms. Williamson added that these ridership fares are being put back into the RGP Fund to enable them to continue providing transportation services.

Chairman Battle declared the public hearing closed.

After further discussion, Commissioner Hall moved, seconded by Commissioner Travis to adopt the following Resolution and the funding allocations as presented. The motion carried unanimously.

RURAL OPERATING ASSISTANCE PROGRAM

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation as the agency responsible for administering all federal and/or state programs related to public transportation, and grants the department authority to do all things required in applicable federal and/or state legislation to properly administer the public transportation programs within the State of North Carolina; and

WHEREAS, G.S. 136-44.27 established the Elderly and Disabled Transportation Assistance Program; and

WHEREAS, funds will be used for transportation related expenditures as specified in the FY 2004-2005 Rural Operating Assistance Program (ROAP) application; and

WHEREAS, information regarding use of the funds will be provided at such time and in such a manner as the department may require; and

WHEREAS, ROAP funds will be used to provide eligible services during the period July 1, 2004 through June 30, 2005; and

WHEREAS, any interest earned on ROAP funds will be expended for eligible program uses as specified in the ROAP application; and

WHEREAS, the County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.

This is to certify that the undersigned is duly elected, qualified and acting Chairperson of the Board of County Commissioners of the County of Caswell, North Carolina, and that the following statements are true and accurate:

Elderly and Disabled Transportation Assistance Program

1. The funds received from G.S. 136-44.27 will be used to provide additional transportation services for the elderly and disabled, exceeding the quantity of trips provided prior to receipt of the funds.
2. The funds will not be used to supplant or replace existing federal, state, or local funds designated to provide elderly and disabled transportation services in the County.
3. The funds received will be used in a manner consistent with the local Transportation Development Plan (TDP) or Community Transportation Services Plan (CTSP) and

application approved by the North Carolina Department of Transportation and the Board of Commissioners.

Work First Transitional/Employment Transportation Assistance Program

1. The purpose of these transportation funds is to support transitional transportation needs of Work First participants after eligibility for cash assistance has concluded and/or other specified general public employment transportation needs. The funds may be transferred to the Elderly and Disabled Transportation Assistance Program or the Rural General Public Program if not needed for Work First transportation.
2. The funds are limited to use by the designated local entity(s) specified in the ROAP application, or any revisions or amendments thereto.

Rural General Public Program

1. The funds will be used in a manner consistent with the Rural General Public Transportation Project Description.
2. The funds will be used to provide non-human service trips.

WITNESS my hand and official seal, this 5th day of April, 2004.

Attest:

S/Wanda P. Smith
Certifying Official

S/M. O. Battle
Board of County Commissioners
Chairperson

State of North Carolina
County Caswell

S/Jeffrey H. Earp
County Manager/Administrator

**PUBLIC HEARING – PROPOSED “ORDINANCE TO PLACE A MORATORIUM ON
THE CONSTRUCTION AND ERECTION OF POLLUTING INDUSTRIES IN
CASWELL COUNTY**

Chairman Battle moved, seconded by Commissioner Hall that the Board enter into a public hearing to receive comments on a proposed *Ordinance to Place a Moratorium on the Construction and Erection of Polluting Industries in Caswell County*. The motion carried unanimously.

Mr. Bill Bush of Park Springs Road, came before the Board and stated that legal issues notwithstanding as to whether a moratorium placed now would have any legal effect on something in the works, he would like to inform the Board that Ashe County has faced this issue. Mr. Bush added that Ashe County had a citizen's group that successfully stopped a polluting industry from locating there. Mr. Bush stated that the City of High Point is having a problem with the City of Greensboro wanting to permit an asphalt plant

on the edge of Greensboro which is also on the edge of High Point and beside a new business park that the City of High Point has opened. Mr. Bush stated that there are already two asphalt plants close by across the line in Virginia and maybe the proposed third one should be questioned. Mr. Bush added that it was his understanding that the people in the area around it are already expressing a desire to stop it. Mr. Bush stated that they have already stopped two dumps from being located in the Pelham area. Mr. Bush added that it took thousands of hours and they raised and spent approximately \$25,000 on just one of them. Mr. Bush asked how many more undesirable developments they have to have before people wake up. Mr. Bush stated that right now unless the citizens rise up to stop it, the County will just get what no one else wants. Mr. Bush added that the County had a chance to put zoning in, and zoning is the only thing he knew of that will let you set aside areas where some things can and cannot be done. Mr. Bush stated that zoning is the only real control or protection that can be offered to people in the County – people whose residence is their primary investment and the source of the main part of their wealth. Mr. Bush added that the County needs zoning because it would give the County a tool that it could legally use with no questions asked.

Mr. Ernie Pinnix, 1429 Zeb Road in the Browns Chapel/Cherry Grove Community, came before the Board and stated that he agreed with the previous comments. Mr. Pinnix added that the only way that Caswell County was not going to become a dumping ground for polluting industries and any industry that is displaced from the other counties that have zoning is for the County to adopt zoning. Mr. Pinnix added that every three to four years when there is revaluation, because the County does not have zoning, it has to give him a 25% rebate, simply because it does not have zoning. Mr. Pinnix stated that the County is throwing away 25 to 40 percent of its greatest source of revenue because it does not have zoning.

There being no further comments, Chairman Battle declared the public hearing closed.

Commissioner Lucas moved, seconded by Commissioner Ward to adopt the proposed *Ordinance to Place a Moratorium on the Construction and Erection of Polluting Industries in Caswell County*.

Commissioner Hall stated that he had previously gone on record indicating that he thought the Board was moving too hastily in not getting all the facts and he has since gathered and read additional information and he still thought that the approach that the Board is taking is not the right approach.

Commissioner Lucas stated that she agreed with Commissioner Hall that this is not the right approach, but yet they are being faced with the choice of doing something to stop an adverse industry from locating in the County. Commissioner Lucas added that she really hates to be put in the position of having a legal challenge possibly for this County, but with the fact that the Board did not pass a Land Use Plan with zoning protections in place, the Board has no choice.

Commissioner Ward asked if the Board had adopted a Land Use Plan with zoning included, would it have stopped the industry that is proposing to locate in Caswell County since they began in November, 2003. Chairman Battle answered that it would probably be a moot point because the Land Use Plan had not been in place.

Commissioner Lucas stated that this issue came up two years ago and that's when the first moratorium was put in place. Commissioner Lucas added that the Board dealt with it then with the intent of putting together a Land Use Plan with some protections in it and that did not happen.

Commissioner Hall stated that he felt that it was going to be a moot point and they did not deal with it two years ago. Commissioner Hall added that the Board had time to act and they did not. Commissioner Hall stated that the other side is a practical approach and added that he knew how long it took for one particular community trying to get their road taken over by the State. Commissioner Hall asked, on the practical side, where did the Board think they would get asphalt from to pave these roads.

Upon a vote of the motion, the motion failed by a vote of four to three with Commissioners Hall, Hamlett, Hooper, and Travis voting no.

21st CENTURY STEERING COMMITTEE

Mr. Jeff Earp, County Manager, reported that in discussing the Rural Community College Initiative (RCCI) with the 21st Century Program officers, they felt that blending the 21st Century with the RCCI Committee would be advisable to avoid conflict and duplication of efforts. Mr. Earp presented the following recommended list of planning committee members.

Tom Edmonds – County Lead/Coordinator

Susan Scaggs – RCCI/Co-Lead

Doug Barker

Paula Butler

Janie Carter

Bonnie Crispin

Jeff Earp

Rese Farrish

Nate Hall

Bob Hillman

Sandra Hudspeth

Joey Knight

Hon. Jim Long

Cathy Lucas

Donna Pointer

Paul Robinson

Arnold Rogers

Steve Smith

Yancey Smith
George Solomon

There was a discussion of the composition of the membership, after which Chairman Battle moved, seconded by Commissioner Travis that each Board member submit any names of individuals that they feel would benefit the 21st Century Steering Committee to the County Manager by the Board's next meeting. The motion carried unanimously.

APPROVAL OF DSS CAP PLAN

Mr. Jeff Earp, County Manager reported at the Board's March 15, 2004 meeting, Ms. Bettye Parker, Department of Social Services Director, presented a draft of the Corrective Action Plan to the Commissioners. Mr. Earp added that at that meeting the Board recommended several changes in regards to dates for completion of parts of the project. Mr. Earp noted that the Board expressed a desire to move as quickly as possible to correct the deficiencies with the funding coming from projected surplus from the Medicaid line item. Mr. Earp presented the corrected CAP Plan for the Board's consideration.

Upon questioning from Commissioner Hall, Mr. Earp reported on the status of the items listed in the Corrective Action Plan and steps to be taken towards automation. Commissioner Hall noted that the Corrective Action Plan includes a plan for replacement of one-fourth of its computer inventory each budget year. Commissioner Hall questioned whether the DSS e-mail account had been discontinued and noted that it is not secure. Mr. Earp added that he is currently formulating a plan for this change.

Commissioner Lucas noted that the funding for the Corrective Action Plan would come from Medicaid Surplus and asked if the County Manager had an approximate figure for the total cost. Mr. Earp answered that the total cost would be approximately \$30,000 - \$35,000. Commissioner Lucas questioned the amount currently in Medicaid Surplus and Mr. Earp answered that the amount in Medicaid Surplus is \$87,000. Commissioner Lucas requested that a report be prepared showing the actual cost of the Corrective Action Plan.

Commissioner Hamlett questioned the status of the telephone system at the Department of Social Services. Mr. Earp answered that two lines have been added onto the telephone system at DSS. Mr. Earp stated that he could not justify replacing the telephone system at DSS at this time.

After further discussion, Commissioner Travis moved, seconded by Commissioner Ward to approve the Corrective Action Plan submitted by the Department of Social Services as presented.

Commissioner Lucas questioned whether acceptance of the Corrective Action Plan means approval of the expenditure of funds to accomplish this. Chairman Battle acknowledged that approval of the Plan would also approve the expenditure of funds.

Commissioner Hamlett questioned the replacing of one-fourth of the computers at DSS and Mr. Earp answered that this is a Plan and if the Board is not financially able to replace them, it could not be done.

Upon a vote of the motion, the motion carried by a vote of six to one with Commissioner Lucas voting no.

RECESS

The Board held a brief recess.

BUDGET CONCERNS

Mr. Jeff Earp, County Manager, reported that he would like to bring to the Board's attention some budget concerns he has for the fourth quarter of the 2003-2004 budget. Mr. Earp stated that he received the February Budget Report that includes year-to-date expenditures and revenues from the Finance Office and the report indicates that as predicted overall revenues are out pacing expenditures at a rate of three percent. Mr. Earp added that while this is promising news, he has found some areas of the budget that are causing him grave concern and he has analyzed the overall budget to make corrections.

Mr. Earp stated that his main areas of concern at this point are with the Facility Maintenance and EMS budget. Mr. Earp added that he is looking at shortfalls in Facility Maintenance and Repair in the amount of approximately \$10,000 and shortfalls in EMS Salary Line of possibly as much as \$77,000.

Mr. Earp presented the following information:

Problem Areas/Concerns

| <u>Department</u> | <u>Account Description</u> | <u>Actual</u> | <u>Projected Needs</u> |
|-------------------|--|-------------------|------------------------|
| Maintenance | M&R Buildings | (3,763.00) | \$ 7,000.00 |
| Sheriff | OT/PT Salaries | (3,999.00) | 8,000.00 |
| EMS | Salaries 93% M&R Vehicles (funds to expire before 6/30) | | 77,000.00 |
| Animal Control | Auto Supplies (Gasoline) | (872.00) | 1,800.00 |
| TOTALS | | (8,634.00) | \$93,800.00 |

| | | | |
|---------|-------------|------------|-------------|
| Overall | Gasoline | (3,000.00) | |
| | Electricity | (3,000.00) | |
| | W&S | (1,500.00) | \$ 7,500.00 |

TOTALS

\$101,300.00

Mr. Earp reported that he thought the shortfalls in Facility Maintenance and Repair have been caused by several issues. Mr. Earp stated that there has been decreased funding in that budget over the last three years, along with cuts in funding for capital projects. Mr. Earp added that in reviewing the EMS Salary line, the shortfall has been caused by resignations of employees with significant vacation time that had to be paid, the change in the County's Overtime Policy, and employees being out of work due to sick, vacation, and workers' comp situations.

Mr. Earp stated that he and the Finance Director have reviewed the overall budget in order to try to fill in these gaps without any appropriations of new monies. Mr. Earp added that he still projects a five to ten thousand dollar gap.

Mr. Earp shared with the Board some proposed budget adjustments for the current fiscal year in the amount of \$95,387.00. Mr. Earp stated that this would cover most of the shortfall and he felt that he would be able to identify other cost savings to cover the balance.

Mr. Earp stated that Board action is not required, that he just wanted to make the Board aware of these budget concerns at this time.

COUNTY MANAGER'S REPORT

Mr. Jeff Earp, County Manager, presented a request from the Caswell County Sheriff's Office to waive landfill fees for the Collins road clean-up. Mr. Earp reported that the Sheriff's Office in cooperation with the NC Department of Transportation and NC Department of Correction are working to clean up the dumpsites on Collins Road. Mr. Earp added that the project has started and the next phase will be to start removing the trash and debris from the site and hauling it to the County Landfill. Mr. Earp stated that since solid waste collection is an Enterprise Fund, the Board would need to grant permission for the landfill fees to be waived. Commissioner Lucas questioned whether there is a way by which the offender could pay a percentage of the cost of disposing of the garbage. After discussion, Chairman Battle moved, seconded by Commissioner Travis to waive the landfill fees associated with the clean-up of Collins Road. The motion carried unanimously.

Mr. Earp presented a request from L&S Enterprises who is located in the former shell building off of the County Home Road for consideration of a first right of refusal on adjoining property off of the County Home Road. Mr. Earp stated that the tract of land is approximately three acres located directly in front of and between their facility and County Home Road. Commissioner Lucas questioned the value of the land. Mr. Earp

answered that the land is valued at \$8,000 per acre. After discussion, Chairman Battle moved, seconded by Commissioner Hooper to grant L&S Enterprises the first right of refusal on an approximate three-acre tract of land adjoining their business. The motion carried unanimously.

Mr. Earp presented a request from the Recreation Department to approve a sponsorship contract with Coca-Cola. Mr. Earp reported that the Recreation Department and Coca-Cola are in the final two years of a 10-year contract with Coca-Cola. Mr. Earp stated that the contract was entered into in order to obtain scoreboards for the Recreation field. Mr. Earp noted that the contract basically states that Coca-Cola would provide the scoreboard at no cost to the County as long as it stayed in place for ten years and that Coca-Cola products be the preferred product advertised, distributed, and offered for sale at the Recreation Department. Mr. Earp reported that at this time the scoreboard that was placed at the Recreation field is in need of repair. Mr. Earp stated that Coca-Cola has presented a proposal to Caswell County Parks & Recreation Department that would void the last two years of the original contract, while asking that they enter into another five-year contract. Mr. Earp added that in return, Coca-Cola would provide Caswell County Parks and Recreation with a new scoreboard valued at approximately \$2,300. After further discussion, Commissioner Hamlett moved, seconded by Commissioner Travis to approve the five-year contract between Caswell County Parks and Recreation and Coca-Cola as presented. The motion carried unanimously.

Mr. Earp presented a request from the Town of Yanceyville for confirmation from the County that the Town would be included in the County's Hazardous Mitigation Plan and that the Board of Commissioners would approve an Interlocal Agreement which would include the Town of Yanceyville in the Plan when developed and approved by the agencies and local governments involved. Mr. Earp recommended that the Board approve the request and include the Town of Milton also. Chairman Battle moved, seconded by Commissioner Travis that the Towns of Yanceyville and Milton be included in the County's Hazardous Mitigation Plan. Commissioner Lucas questioned the deadline for completion of the Hazardous Mitigation Plan. Mr. Earp answered that the deadline for completion of this Plan is June, 2004. Commissioner Lucas expressed her concern that the Board of Commissioners would be entering into an Interlocal Agreement while it has ongoing litigation with the Town of Yanceyville. Upon a vote of the motion, the motion carried by a vote of six to one with Commissioner Lucas voting no.

Mr. Earp reported that on March 11, 2004, he received a call from Ms. Sharon Edmundson with the Local Government Commission informing him that she had received an invoice from Cobb, Ezekiel, Brown & Company, PA in the amount of \$20,000, which were due to additional charges to the County's audit contract as a result of the GASB 34 implementation. Mr. Earp stated that on March 16, 2004, a conference call was held, which included the Local Government Commission, representatives of Cobb, Ezekiel, Brown & Company, and Chairman Battle, Commissioner Lucas, and himself representing Caswell County. Mr. Earp added that Cobb, Ezekiel, Brown & Company stated that they had an additional 224.35 hours expended in preparing the County's audit to meet the GASB requirements that resulted in the \$20,000 invoice. Mr.

Earp stated that Cobb, Ezekiel, Brown & Company noted that they explained to the Audit Committee that as part of the contract they would be charging an additional consulting fee at the rate of \$120 per hours for the GASB process and that this amount could be up to fifty percent of the contract price. Mr. Earp added that Cobb, Ezekiel, Brown & Company informed them that they also explained this in an April 11th memo and again when they met with the Audit Committee. Mr. Earp reported that the Local Government Commission reviewed the County's contract along with the invoice and agreed that while the cost was substantial that it did fall within the perimeters of the contract and approved the bill. Mr. Earp stated that after the conference call he contacted Becky Loy of Cobb, Ezekiel, Brown & Company and asked her to review the work completed and consider discounting the bill. Mr. Earp added that Ms. Loy informed him that the \$20,000 invoice had already been discounted \$2,842.56 and after discussing this with her business associates, no further discounts could be allowed. Mr. Earp noted that in last year's budget preparation, the Board had budgeted for a \$5,000 overrun due to GASB 34 implementation and this leaves a balance of \$15,000. Mr. Earp stated that he has a problem with this invoice and feels that it is excessive. Mr. Earp added that he did not see how the auditing firm could have spent an additional 224.35 hours on the County's audit. Commissioner Lucas stated that the reason she could not approve this amount is because attached to the original contract with the County there is a comment from Cobb, Ezekiel, Brown & Company that states, "We expect to begin our audit in June and to issue our report no later than October 31, 2003. Our fee for these services will be according to the attached contract. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional cost." After further discussion, Commissioner Hamlett moved, seconded by Commissioner Lucas not to approve payment of the \$20,000 invoice submitted by Cobb, Ezekiel, Brown & Company for additional hours due to implementation of GASB 34. The motion carried unanimously.

Mr. Earp presented a request from Ms. Beth Thompson, Chairperson for the Caswell Child Fatality Prevention Team asking that the Board of Commissioners approve the expansion of the CFPT Board by one member so that they may include a representative from the Yanceyville Family Practice. Mr. Earp stated that this representative from the Yanceyville Family Practice would be Dr. Bret Williams. After discussion, Chairman Battle moved, seconded by Commissioner Hamlett to appoint Dr. Bret Williams, representing the Yanceyville Family Practice to the Caswell Child Fatality Prevention Team. The motion carried unanimously.

Mr. Earp reported that at the Board's March 15, 2004 meeting he presented a package of information on implementation of the County Slogan. Mr. Earp noted that the Board asked that he obtain competitive bids on license plates and stickers, and get a materials cost on the masonry sign that is proposed for US Hwy 29. Mr. Earp provided the Board with this information. Mr. Earp noted that there are no funds set aside for this cost and that this could be figured into the proposed budget for 2004-2005. Commissioner Lucas requested that the County Manager obtain a sample from each vendor so that the Board could see the quality of the work. Chairman Battle instructed the County Manager to present these costs during the budget deliberations for 2004-2005.

Mr. Earp reported that he and the Solid Waste Director still feel that it is not in the best interest of the County to bury animals at the landfill because of the monitoring wells. Mr. Earp informed the Board that Mr. Tony Ester would be willing to provide the service of disposing of these animals for Caswell County citizens. Mr. Earp stated that Mr. Ester charges \$1.00 per mile from his location in Siler City to come to a location to pick up an animal and then be responsible for disposing of it. Mr. Earp added that anyone would be able to deliver the animal to him at no cost. Mr. Earp noted that the cost could be as much as \$60 to \$70. After discussion, Commissioner Travis moved, seconded by Commissioner Ward that the County no longer allow any large animals to be buried at the Caswell County Landfill. The motion carried unanimously.

Mr. Earp reported that Caswell County received a grant in the amount of \$26,800 to update the Caswell County Emergency Operations Plan. Mr. Earp noted that the Plan needed updating to include a Multi-Hazard Section and incorporation of the Bio-Terrorism annex. Mr. Earp stated that as part of the grant, the County had planned to hire Mr. Ed Cash, formerly with State Emergency Management, as a Consultant to help update and finalize the document; however, Mr. Cash passed away earlier this year. Mr. Earp added that this Plan is to be sent in for review by State Emergency Management on June 1, 2004, and with the absence of an EMS Director, he does not have the staff in-house to update the Plan. Mr. Earp stated that he felt the County needed to hire a Consultant to finish the Project. Mr. Earp provided the Board with two proposals from consultants for its review and stated that both are from current employees of State Emergency Management who would be working during their off time to complete the Project. The two proposals submitted were from Mr. Joe Wright in the amount of \$20,800 and Ms. Toni Plummer in the amount of \$26,800, which as of Friday, had been reduced to \$16,000. Mr. Earp noted that State Emergency Management is aware of this and has approved the off time work. Chairman Battle stated that he thought that this is a gross rip-off of taxpayers money. Chairman Battle added that so many things have happened since 9-11 and people have taken advantage of certain situations and it is wrong. Chairman Battle stated that Ms. Plummer's proposal equals to probably more than half of what this individual makes in one year and this is a gross taking of money. Chairman Battle stated that he felt the same way about the other one and that a lot of these things should have been done on people's jobs. Chairman Battle added just because June 1st is around the corner, government should not be ripped off. Chairman Battle stated that this is wrong and added that people from Hurricanes Isabel and Fran have not gotten their money yet. Chairman Battle added that the government spent \$9,000,000 in giving local units trailers like the one at EMS and felt that this is also a gross misuse of funds. Commissioner Lucas reported that she spoke to Ms. Plummer and was told that Davie County elected not to receive any of these federal funds and their Emergency Management Coordinator is writing their plan. Commissioner Lucas stated that Ms. Plummer informed her that when Mr. Cash passed away, she offered to assist then Director Joe Wright in writing this Plan. Commissioner Lucas added that Ms. Plummer told her that Mr. Wright said he was not interested and was going to let the new Director do this. Commissioner Lucas recommended that this be the first directive for the County's new Emergency Services Coordinator. Mr. Earp stated that this individual

could not meet the deadline. After further discussion, Commissioner Lucas moved, seconded by Commissioner Hamlett that this issue be tabled. The motion carried unanimously.

OTHER BUSINESS

Commissioner Ward questioned the County Manager as to whether he had talked to Congressman Brad Miller's Office about Prospect Hill's water concerns. Mr. Earp answered that he has a telephone conference scheduled later in the week. Commissioner Lucas asked what the two options are that is available for the Prospect Hill water concerns. Mr. Earp answered that the County has to either find a way to extend a water line to Prospect Hill or provide wells for a holding tank.

Commissioner Hamlett reported that the Planning Board held a meeting and would like to have one of its members serve on the Boards and Committees Subcommittee that the Chairman has appointed for review of Board policies and procedures. Chairman Battle stated that the purpose of his appointing this Subcommittee was for them to look at all Boards and there was nothing specific for any Board and that was why he did not appoint any other members. Chairman Battle added that this Subcommittee would be conducting groundwork as far as looking at appointments, length of appointments, meeting times, attendance, etc.

Commissioner Travis reported that the Caswell Firemen's Association held its Annual Banquet this past weekend and asked if any Board member was invited. Chairman Battle stated that he also became aware of this and requested that the Clerk to the Board inquire as to why the Board of Commissioners were not invited as they have been in the past. Ms. Wanda Smith, Clerk to the Board, reported that she contacted Mr. Clint Briggs, President of the Caswell Firemen's Association as to why the Board of Commissioners were not invited and he informed her that it was an oversight, that Mr. Gaither Clayton was supposed to have invited the Board members and he wished to extend his apologies to the entire Board. Chairman Battle requested that the Clerk to the Board write a letter for his signature to the Caswell Firemen's Association informing them that the Board of Commissioners did not receive an invitation to their annual banquet.

Chairman Battle announced that Ms. Betty Sartin has extended an invitation to the Board of Commissioners to attend the Providence Spring Fling on April 24, 2004 and participate in the parade. Chairman Battle requested that the Board members inform the Clerk to the Board if they wished to participate.

Chairman Battle questioned the Building Code Committee as to whether the proposed fees are commensurate with surrounding counties. Commissioner Lucas answered that the Committee did a comparison and they are in line.

Commissioner Lucas inquired as to what the recourse would be now for the Pelham Community as far as the potential location of an asphalt plant there. Commissioner Lucas stated that she knew she would be contacted by quite a few people in the Pelham

community when they find out that the Board of Commissioners is not making any attempt to do anything to stop this adverse industry from locating there. Commissioner Lucas questioned whether there is any intention to implement any land use planning or zoning in the very near future.

Commissioner Hall stated that he felt it would be good if the Board of Commissioners could have representation at the upcoming Legislative Update Conference to be held on May 19, 2004, in Raleigh, North Carolina. Commissioners Hall and Ward expressed an interest in attending this Legislative Update.

CLOSED SESSION

Chairman Battle moved, seconded by Commissioner Travis that the Board enter into closed session to consider the compensation, terms of appointment, and performance of an individual public officer (NCGS 143-318.11(a)(6)) and to preserve the Attorney/Client privilege (NCGS 143-318.11(a)(3)). The motion carried unanimously.

REGULAR SESSION

Commissioner Hamlett moved, seconded by Commissioner Travis to resume regular session. The motion carried unanimously.

THE ADJOURNMENT

At 10:00 p.m. Commissioner Travis moved, seconded by Commissioner Hamlett to adjourn the meeting. The motion carried unanimously.

Wanda P. Smith
Clerk to the Board

M. O. Battle
Chairman
